

EXHIBIT Q

Civil Action No. 20-cv-08905-CS
Affirmation of David K. Fiveson, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
 RS OLD MILLS RD, LLC,

Plaintiff/Petitioner,

INDEX No.

- against -

SUFFERN PARTNERS, LLC,

Defendant/Respondent.
 -----X

**NOTICE OF
 ESSENTIAL FILING PURSUANT TO AO-78-20(E)**

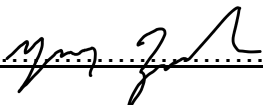
Please check one of the following:

[] This case has been previously approved as an “essential matter” during the coronavirus public health emergency as described in UCS Administrative Order AO-78-20, Exh. A(E) – (include method of prior approval) _____
 _____.

OR

[x] This filing contains an application to designate this case as an “essential matter” during the coronavirus public health emergency as described in UCS Administrative Order AO-78-20, Exh. A(E), and includes papers supporting the request for such designation.

Dated: April 14, 2020

 Signature

Yitzchak Zelman, Esq., Marcus & Zelman, LLC, 701 Cookman Ave, Suite 300, Asbury Park, NJ 07712. (347)526-4093

Name / Address / Phone

Attorney for: Plaintiff, RS Old Mills Rd, LLC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
RS OLD MILLS RD, LLC,

Plaintiff,

Index No.

-against-

SUFFERN PARTNERS, LLC,

Defendant.

**AFFIRMATION IN
SUPPORT OF FILING
AS AN ESSENTIAL
MATTER**

-----X

Yitzchak Zelman, an attorney duly admitted to practice law before the Courts of the State of New York, attorney for the Plaintiff herein, affirms the following statements to be true upon information and belief and under the penalties of perjury, said statements being based on papers contained in the file maintained by the affirmant's office.

1. This Affirmation is submitted, in accordance with AO-78-20, in support of the Plaintiff's request to allow this filing as an essential matter.
2. This is an action concerning the ownership of several parcels of real property, referred to in the Complaint as the RS Old Mill Road property, that the Plaintiff agreed to sell to the Defendant for Thirty Million Dollars (\$30,000,000).
3. The problem is, the Defendant never actually paid the Plaintiff any part of this purchase price. Instead, the Defendant has taken possession of the property and has been holding itself out as the owner of the Plaintiff's property. This action seeks to return possession of the property to the Plaintiff and to quiet title to the property.
4. **Upon information and belief, Defendant is preparing to imminently convey away the property. Should this filing wait until after the ban on new filings is lifted, it will be too late – the property will be gone, with no recourse for the Plaintiff.**

5. Defendant has made representations of its interest and desire to convey away this property as recently as yesterday, April 13, 2020, in an emergency filing before the Honorable Judge Rolf Thorsen, in the matter of *Lone Pine Associates, LLC v. Suffern Partners, LLC*, Index Number 035660/2019 (NYSCEF Doc. 21)(asking the Court for emergency relief, and discussing Defendant's desire to "license, lease, or convey" the subject property).
6. The undersigned does not seek to unnecessarily burden the Court during this national health crisis. However, without the filing of the Plaintiff's Complaint and accompanying Notice of Pendency, the Plaintiff will be **irreparably** harmed. To wit, the Defendant stole the Plaintiff's property without paying for it, and now claims it is the owner of that property. Without the filing of this action and the accompanying Notice of Pendency, the Defendant will convey away the Plaintiff's \$30,000,000 property, leaving Plaintiff solely with the hope that Defendant will remain solvent long enough for the Plaintiff to eventually recover a monetary judgment against it.
7. It is therefore respectfully requested that this matter be designated as an 'essential matter' at least for the purposes of allowing the Plaintiff to commence this action and file its Notice of Pendency, so that the Plaintiff can protect its rights to its property.

Dated: April 14, 2020

/s/ Yitzchak Zelman
Yitzchak Zelman, Esq.
Marcus & Zelman, LLC
1 Deer Run Road
Pomona, New York 10970
Tel: (347)526-4093
Fax: (732)298-6256
Email: yzelman@MarcusZelman.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
RS OLD MILLS RD, LLC,

Plaintiff,

-against-

SUFFERN PARTNERS, LLC.

Defendant.
-----X

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: April 13, 2020

MARCUS & ZELMAN, LLC

By: /s/ Yitzchak Zelman
Yitzchak Zelman, Esq.
Attorney for Plaintiff
701 Cookman Avenue, Suite 300
Asbury Park, New Jersey 07712
(347) 526-4093

To:
SUFFERN PARTNERS, LLC
1449 57TH STREET
BROOKLYN, NEW YORK, 11219

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X

RS OLD MILLS RD, LLC,

COMPLAINT

Plaintiff,

Index No:

-against-

SUFFERN PARTNERS, LLC,

Defendant.

-----X

Plaintiff, RS OLD MILLS RD, LLC, by their attorneys Marcus & Zelman, LLC, as and for its complaint against Defendant SUFFERN PARTNERS, LLC, alleges the following:

1. Plaintiff RS OLD MILLS RD, LLC is a limited liability company, organized and existing under the laws of New York.
2. Defendant SUFFERN PARTNERS, LLC is a limited liability company, organized and existing under the laws of New York, with its registered address for service of process listed as 1449 57th Street, Brooklyn, New York, 11219
3. Venue is properly placed in this County pursuant to CPLR 507, as this is an action in which the judgment demanded would affect the title to, and the possession, use or enjoyment of, real property situated in this county.
4. Plaintiff repeats and realleges the preceding paragraphs of this complaint with the same force and effect as if herein set forth at length.
5. On or about September 6, 2017, Plaintiff entered into a written contract of sale with Defendant whereby Defendant agreed to purchase from Plaintiff the developed real property situated in Villages of Suffern, New York and Montebello, New York, comprised

of three parcels described as follows: (i) Parcel A – three plots of land; (ii) Parcel B – four plots of land; and (iii) Parcel C – two plots of land, having the addresses of 25 Old Mill Road, in the Town of Ramapo, Village of Suffern and 19 Hemion Road in the Village of Montebello (collectively hereinafter referred to as the “RS Old Mill Road Property”).

6. The purchase price of the property was Thirty Million Dollars (\$30,000,000).
7. Despite the passage of nearly three years, Defendant has never paid Plaintiff a single penny of this purchase price.
8. Instead, Defendant has taken possession, ownership and control of the Plaintiff's property, without granting any consideration for the conveyance of this property.
9. Plaintiff therefore brings this action seeking recovery of its property.

FIRST CAUSE OF ACTION

(Conversion)

10. Plaintiff reiterates the allegations contained in the preceding paragraphs as if more fully set forth below.
11. Plaintiff had a possessory right of ownership over the RS Old Mill Road property, which was owned outright by Plaintiff.
12. Defendant has wrongfully exercised dominion, ownership and control over the subject premises, in derogation of the Plaintiff's ownership interests, by agreeing to pay the Plaintiff \$30,000,000 in exchange of the property and then refusing to tender the purchase price.
13. The Plaintiff has been harmed by the loss of its ownership rights in the subject premises.

14. Wherefore, Plaintiff is entitled to a Judgment, returning the RS Old Mill Road property back to the Plaintiff, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper.

SECOND CAUSE OF ACTION

(Rescission)

15. Plaintiff repeats, reiterates and realleges, and hereby incorporates, each and every allegation heretofore set forth herein, with the same force and effect as though more fully set forth herein at length.

16. As set forth above, Plaintiff agreed to sell the RS Old Mill Road property to the Defendant for Thirty Million Dollars (\$30,000,000).

17. Defendant has not paid any of the purchase price to the Plaintiff, instead taking over possession of the Plaintiff's property without giving a dollar in return.

18. Defendant's failure to pay the any part of the \$30,000,000 purchase price to Plaintiff, while maintaining control over the Plaintiff's property was both material and willful.

19. Plaintiff has received no other benefit from Defendant in exchange for the Plaintiff's property.

20. Wherefore, Plaintiff is entitled to a Judgment, returning the RS Old Mill Road property back to the Plaintiff, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper.

THIRD CAUSE OF ACTION

(Declaratory Judgment To Quiet Title)

21. Plaintiff repeats, reiterates and realleges, and hereby incorporates, each and every allegation heretofore set forth herein, with the same force and effect as though more fully set forth herein at length.
22. As set forth above, Plaintiff is the owner of the developed real property situated in Villages of Suffern, New York and Montebello, New York, comprised of three parcels described as follows: (i) Parcel A – three plots of land; (ii) Parcel B – four plots of land; and (iii) Parcel C – two plots of land, having the addresses of 25 Old Mill Road, in the Town of Ramapo, Village of Suffern and 19 Hemion Road in the Village of Montebello (collectively hereinafter referred to as the “RS Old Mill Road Property”).
23. Plaintiff obtained ownership of these properties on September 5, 2017 as the result of a deed transfer of these properties to Plaintiff from an entity named RS Old Mill, LLC.
24. As set forth above, Plaintiff agreed to sell the RS Old Mill Road property to the Defendant for Thirty Million Dollars (\$30,000,000).
25. Defendant has not paid any of the purchase price to the Plaintiff, instead taking over possession of the Plaintiff’s property without giving a dollar in return.
26. Despite not paying a dollar of the agreed purchase price, Defendant claims that it is now the owner of the RS Old Mill Road property.
27. Wherefore, Plaintiff is entitled to a Judgment, returning the RS Old Mill Road property back to the Plaintiff, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper.

FOURTH CAUSE OF ACTION**(Breach Of Contract, Pled In The Alternative)**

28. Plaintiff repeats, reiterates and realleges, and hereby incorporates, paragraphs 1-8, with the same force and effect as though more fully set forth herein at length.
29. As set forth above, Plaintiff and Defendant entered into an agreement for the sale of the Plaintiff's RS Old Mill Road property in exchange for Thirty Million Dollars.
30. Defendant breached this agreement, by failing to pay a single dollar of this purchase price.
31. As a result of the Defendant's breach, the Plaintiff has been harmed.
32. Wherefore, Plaintiff is entitled to a Judgment, in the amount of \$30,000,000, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper.

WHEREFORE, Plaintiff demands judgment against the Defendant, as follows:

- (i) on the first cause of action, awarding Plaintiff a Judgment, returning the RS Old Mill Road property back to it, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper; and
- (ii) on the second cause of action, awarding Plaintiff a Judgment, returning the RS Old Mill Road property back to it, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper; and
- (iii) on the third cause of action, awarding the Plaintiff a Judgment declaring that Plaintiff is the sole and lawful owner of the RS Old Mill Road property and forever barring Defendant from asserting its interest in this property, together with additional monetary damages, attorneys fees, punitive damages, and such other and further relief as this Court deems just and proper; and
- (iv) on the fourth cause of action, awarding Plaintiff a Judgment in the amount of Thirty Million Dollars, together with additional monetary damages, attorneys fees,

punitive damages, and such other and further relief as this Court deems just and proper; and

Dated: April 13, 2020

MARCUS & ZELMAN, LLC

By: /s/ Yitzchak Zelman
Yitzchak Zelman, Esq.
Attorney for Plaintiff
701 Cookman Avenue, Suite 300
Asbury Park, New Jersey 07712
(347) 526-4093

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X

RS OLD MILLS RD, LLC,

Plaintiff,

Index No:

-against-

SUFFERN PARTNERS, LLC,

Defendant.

-----X

SUMMONS AND COMPLAINT

I hereby affirm, pursuant to the requirements of NYCRR 130-1.1, that the within is not frivolous, nor frivolously presented.

Dated: April 13, 2020

MARCUS & ZELMAN, LLC

By: /s/ Yitzchak Zelman
Yitzchak Zelman, Esq.
Attorney for Plaintiff
701 Cookman Avenue, Suite 300
Asbury Park, New Jersey 07712
(347) 526-4093

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
RS OLD MILLS RD, LLC,

NOTICE OF PENDENCY
OF ACTION

Plaintiff,

Index No:

-against-

SUFFERN PARTNERS, LLC,

Defendant.
-----X

NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending against the above named defendant for fraud, and tortious interference with contracts, conversion, and specific performance conveying real property, relating to the transfer of the properties located at, and known as, 25 Old Mill Road, in the Town of Ramapo, Village of Suffern, County of Rockland.

AND NOTICE IS FURTHER GIVEN that the premises affected by the said civil action, were, at the time of commencement of said action, and at the time of the filing of this notice situate in:

Village: Suffern

Section/Block/Lot: 55.22, 1, 1

Book 968, P. 34

on the land and tax map of the County of Rockland in the State of New York, and is more fully described as follows:

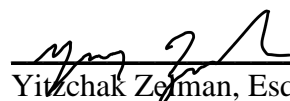
See Property Description annexed hereto as Exhibit A.

TOGETHER with all right, title and interest of the defendants in and to the land lying in the streets and roads in front of and adjoining said premises.

Dated: 04/14/2020

MARCUS & ZELMAN, LLC

By:



Yitzchak Zelman, Esq.
Attorney for Plaintiff
701 Cookman Avenue, Suite 300
Asbury Park, New Jersey 07712
(347) 526-4093

TO: THE CLERK OF THE COUNTY OF ROCKLAND:

You are hereby directed to index the within Notice of Pendency of Action to the names of the Defendant herein.

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION OF LANDParcel A

ALL that certain plot, piece or parcel of land and premises, situate, lying and being in Suffern, Rockland County, New York, and being shown on map entitled "Map of lands to be conveyed by Charles A. Pace, Suffern, New York, Scale 1" – 60', May 1939", made by Frederick Washburn, Surveyor, and duly filed in the Office of the Clerk of the County of Rockland, at New City, Rockland County, New York, and being more fully bounded and described as follows:

BEGINNING at a point in the southerly line of premises of one Haeussler, at a post distant 28.4 feet easterly from the southwesterly corner of said Haeussler's premises as shown on said map, and running thence (1) in a westerly direction along the southerly line of said Haeussler's premises, 28.4 feet to an iron pipe standing in the southeasterly corner of premises of J.A. Martin, as shown on said map, and running thence (2) in a general westerly direction along the southerly line of said Martin's premises, on a course South 67 degrees 18 minutes West, 287.6 feet to an iron pipe; thence (3) on a course South 50 degrees 39 minutes West, 317.5 feet to an iron pipe in the southerly line of premises of Suffern Land Co.; thence (4) on a course South 58 degrees 26 minutes West, 200 feet to an iron pipe standing in the southerly line of premises of said Suffern Land Co.; thence (5) on a course South 31 degrees 34 minutes East, passing through an Oak tree near the southerly side of a private road running through said premises, 336 feet to an iron pipe in the center line of a brook as shown on said map; thence (6) through the center line of said brook on a course North 56 degrees 32 minutes East, 277 feet to a point, thence (7) still through the center line of said brook on a course North 42 degrees East, 204 feet to a point; thence (8) still through the center line of said brook on a course North 40 degrees 10 minutes East, 68 feet; thence (9) still through the center line of said brook, on a course North 44 degrees East, 193 feet to a point; thence (10) still through the center line of said brook on a course North 8 degrees 08 minutes East, 134.5 feet to the southwest corner of the east abutment of a bridge over said brook, as shown on said map; and thence (11) on a course North 21 degrees 12 minutes West, 91.3 feet to the point and place of beginning.

And also

ALL that certain plot, piece or parcel of land, situate lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING at a point where the easterly line of land now or formerly of Suffern Land Co. is intersected by the southwesterly line of land of the State of New York and the northeasterly line of land now or formerly of Smith; thence running along the dividing line between said land of

EXHIBIT A
(Continued)

the State of New York and said land now or formerly of Smith, South 64 degrees 46 minutes 8 seconds east 387 feet to the southeasterly line of said land of the State of New York; thence running along said southeasterly line of land of the State of New York, North 57 degrees 31 minutes 52 seconds East 396 feet to an angle point in same; thence running along said land formerly of the State of New York now or formerly of Gustav Mayer, North 38 degrees 10 minutes 52 seconds East 246 feet to a point which is distant 90 feet southerly measured at right angles from Station 83 / 71 / of the survey base line for the New York State Thruway; thence running along land of the State of New York North 89 degrees 2 minutes 23 seconds West 597.85 feet to a point distant 150 feet southerly measured at right angles from Station 77 / 72 / of said survey base line; thence continuing along land of the State of New York South 26 degrees 28 minutes 37 seconds West 89.4 feet to the easterly line of land of Suffern Land Co. which point is distant 158 feet southerly measured at right angles from Station 78 / 83 / of said survey base line; thence running along the easterly line of said land now or formerly of Suffern Land Co. South 30 degrees 53 minutes 62 seconds West 282.8 feet to the point of beginning.

And also

ALL that certain plot, piece or parcel of land and premises, situate, lying and being in the Village of Suffern, the Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING on the northeasterly corner of the premises hereby being conveyed, where the southerly line of the proposed access road of the New York State Thruway intersects the easterly side of said premises; running thence (1) south 51 degrees 09 minutes 20 seconds west, 110.89 feet along the land now or formerly of Olsen; (2) continuing along said land south 49 degrees 39 minutes 20 seconds west 182 feet to a corner; (3) continuing along said land of Olsen and along the land now or formerly of Fredericks south 25 degrees 39 minutes 20 seconds west 1872.60 feet to a corner; (4) continuing along the land now or formerly of Fredericks south 71 degrees 21 minutes 50 seconds east 416.59 feet to the intersection with the northerly right of way line of the Erie Railroad (Piermont Branch); (5) running along the right of way of the Erie Railroad north 86 degrees 43 minutes 20 seconds west 881.09 feet; (6) continuing along said right of way on a radius of 1877.08 feet to the left 98.28 feet; (7) continuing along said right of way on a radius of 1249.18 feet a distance of 482.15 feet; (8) continuing along said right of way north 72 degrees 33 minutes 50 seconds west 243.05 feet; (9) continuing along said right of way on a radius of 1877.08 feet a distance of 368.03 feet; (10) continuing along said right of way on a radius of 2831.93 feet a distance of 98.85 feet; (11) continuing along said right of way north 46 degrees 24 minutes 40 seconds west 514.01 feet to the lands of Belmont Stone Company; (12) running thence along said lands north 11 degrees 07 minutes 30 seconds east 730.70 feet; (13) continuing along said lands of Belmont Stone Company north 59 degrees 52 minutes 30 seconds east 864.50 feet to the lands now or formerly of H.L. Smith; (14) running thence along the said lands of H.L. Smith south 30 degrees 11 minutes 30 seconds east 336.05; (15) thence, continuing along the lands now or formerly of H.L. Smith and running along the center line of a brook the following five course and distances - north 57 degrees 54 minutes 30 second east 277.25 feet; (16) north 43

EXHIBIT A
(Continued)

degrees 22 minutes 30 seconds east 204 feet; (17) north 41 degrees 32 minutes 50 seconds east 68 feet; (18) north 45 degrees 22 minutes 30 seconds east 193 feet; (19) north 9 degrees 30 minutes 30 seconds east 134.50 feet; (20) thence leaving the said brook, but continuing along the land of H.L Smith, north 19 degrees 49 minutes 30 seconds west 91.30 feet to a post in the line of land now or formerly of Haeussler; (21) running thence along the said land of Haeussler and along the land now or formerly of Beard north 50 degrees 19 minutes 30 seconds east 237.92 feet to a point in the southerly side of the aforesaid proposed access road of the New York State Thruway; (22) running thence in a southeasterly direction along the aforesaid southerly line of said proposed access road to the point or place of beginning.

Parcel B

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the previously widened westerly line of Hemion Road, where the same is intersected by the northerly line of the Erie Lackawanna Railroad Right of Way. Said point being distant 15.00 feet on a course of North 81 degrees 15 minutes 39 seconds West along the northerly line of the Erie Railroad from the original westerly line of said Hemion Road; and running thence (1) North 81 degrees 15 minutes 39 seconds West 16.36 feet along the northerly right of way line of the Erie Lackawanna Railroad to a bend therein; thence (2) North 87 degrees 44 minutes 26 seconds West 571.32 feet along the same to a bend therein; thence (3) North 87 degrees 37 minutes 29 seconds West 160.06 feet continuing along the same to a corner of lands now or formerly of the Geigy Chemical Company; thence (4) North 71 degrees 35 minutes 30 seconds West 432.62 feet along lands now or formerly of the Geigy Chemical Company to a point; thence (5) North 26 degrees 54 minutes 30 seconds East 379.93 feet continuing along the same to a monument; thence (6) South 72 degrees 14 minutes 35 seconds East 1095.54 feet continuing along the same to a point in the previously widened westerly line of Hemion Road (said point being distant 2.00 feet on a course of North 72 degrees 14 minutes 35 seconds West from the original westerly line of Hemion Road, and a corner of lands now or formerly of the Geigy Chemical Company); thence (7) South 18 degrees 29 minutes 43 seconds West 182.35 feet along the previously widened westerly line of Hemion Road to the point or place of beginning.

And also

ALL that certain plot, piece or parcel of land, situate lying and being in the Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

EXHIBIT A
(Continued)

BEGINNING at a point in the westerly line of Hemion Road, said point of beginning being distant 511.50 feet northerly along said westerly line of Hemion Road from the center line of the Erie Lackawanna Railroad Company tracks, and said point of beginning being distant 3.60 feet on a course North 11 degrees 37 minutes 20 seconds East from a Rockland County Highway Monument set in said westerly line of Hemion Road; and running THENCE (1) along a stone wall and on a course North 75 degrees 29 minutes West, a distance of 378.70 feet; THENCE (2) turning and running along another stone wall and on a course North 22 degrees 7 minutes 30 seconds East, a distance of 204.0 feet; THENCE (3) turning and running along still another stone wall and on a course South 74 degrees 35 minutes 30 seconds East, a distance of 348.18 feet to the westerly line of Hemion Road; THENCE (4) along the westerly line of Hemion Road and on a course South 14 degrees 13 minutes 5 seconds West, a distance of 142.69 feet to a Rockland County Highway monument; and THENCE (5) still along the westerly line of Hemion Road and on a course South 11 degrees 37 minutes 20 seconds West, a distance of 54.17 feet to the point or place of beginning.

And also

ALL that certain plot, piece or parcel of land and premises, situate lying and being in the Town of Ramapo, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a point in the center of Hemion Road at the northeasterly corner of premises now or formerly of Gertrude Conklin (1) North 73 degrees 21 minutes 40 seconds West 1114.06 feet to the Easterly line of premises now or formerly of Henry and Sidney Mayer; thence (2) North 25 degrees 47 minutes 25 seconds East 510.36 feet to an iron pipe in the Southerly line of lands now or formerly of Arthur Olsen; thence (3) South 72 degrees 14 minutes 40 seconds East, 654.11 feet to an iron pipe; thence (4) along lands now or formerly of Martin Hunter, South 23 degrees 57 minutes 10 seconds West 214.36 feet to an iron pipe in the southwesterly corner of Hunter's premises; thence along the southwesterly line of said Hunter's property South 72 degrees 1 minute 10 seconds East 390.23 to the center line of Hemion Road; thence South 13 degrees 17 minutes 55 seconds West 270.93 feet to the point or place of beginning.

And also

ALL that certain plot, piece or parcel of land and premises, situate lying and being in the Town of Ramapo, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a post in the southwest corner of said lot, being also the northwest corner of lot of James and Henry Frederick, and running thence (1) south 74 degrees 30 minutes east, part of the way along a post and wire fence and a stone wall, 655 feet to a post; thence (2) south 21 degrees 10 minutes west 11.2 feet to the southerly side of a stone wall; thence (3) south 75 degrees 20 minutes east, along the southerly side of said stone wall 359 feet to the middle of the public highway running from the Montebello Road to the Nyack Turnpike; thence (4) through the center of the same north 18 degrees 15 minutes east 380 feet; thence (5) running still along

EXHIBIT A
(Continued)

the center of said road 450 feet more or less to a point; thence (6) still along the center of the same north 45 degrees 26 minutes east 433 feet to a point opposite the remains of an old stone wall; thence (7) north 68 degrees 11 minutes west, part of the way along the remains of an old stone wall, 335 feet to an iron pipe in the bed of the old pond; thence (8) north 14 degrees 8 minutes east, part of the way through the brook, 412 feet to a rock and northwest corner of premises formerly of Charles Ackerson; thence (9) north 41 degrees 3 minutes west along a stone wall 393 feet to a large oak tree; thence (10) south 48 degrees 21 minutes west along the remains of an old stone wall 255 feet; thence (11) south 49 degrees west along the remains of an old wall 578 feet to a stake and stones; thence (12) south 47 degrees 30 minutes west 182 feet to a stake; thence (13) south 23 degrees 30 minutes west 993 feet along a stone wall to the place of beginning.

EXCEPTING THEREFROM so much thereof as was conveyed by Alicia I. Olsen to the County of Rockland for reconstruction of Hemion Road, by deed dated October 11, 1948, and recorded in the Office of the Clerk of the County of Rockland on the 20th day of October, 1949, in Book 487 of Deeds, Page 291, containing 0.23 acres to which deed reference is hereby made for a complete description of said portion so excepted, and further

EXCEPTING AND EXCLUDING THEREFROM all lands north of the southerly line of the access road of the New York State Thruway and north of the most southerly line of all portions acquired by said Thruway.

It being intended to exclude all the lands lying north of the Thruway and the following parcels acquired for New York State Thruway:

- | | |
|----------------------|---|
| Map No. 471- | Parcel No. 471- 3.96 acres, more or less, in Book 4 of Thruway Maps, Page 720, 721. |
| Map No. 1248- | Parcel No. 1248- 1.72 acres, more or less, in Book 5 of Thruway Maps, Page 937, 938. |
| Map No. 1285- | Parcel No. 1285- 0.041 acres, more or less, or 1,177 square feet, more or less, in Book 6 of Thruway Maps, Page 1206. |
| Map No. 1286- | Parcel No. 1286- 0.203 acres, more or less, or 8,850 square feet, more or less, in Book 6 of Thruway Maps, Page 1206, 1207. |
| Map No. 418- | Parcel No. 418- 0.341 acres, more or less, or 10,518 square feet, more or less, in Book 4 of Thruway Maps, Page 716. |

EXHIBIT A
(Continued)

Parcel C

ALL that certain plot, piece or parcel of land and premises, situate lying and being in Suffern, Town of Ramapo, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point in a stonewall on the northeasterly side of Route 59, distant 407.25 feet northwesterly from the West side of Mt. Eymard Seminary; running thence North 56 degrees 1 minute 40 seconds West along said stonewall and said side of Route 59, 88.07 feet to a point and the southeasterly side of an existing 12 foot Right of Way; thence North 31 degrees 38 minutes 5 seconds East along said side of the 12 foot Right of Way 149.63 feet to a point; thence North 20 degrees 26 minutes 5 seconds East, still along said Right of Way 117.98 feet to the lands of the Erie Railroad Company; thence South 61 degrees 50 minutes 20 seconds East along said lands 88.81 feet to other lands of the Society of the Holy Child Jesus; thence South 20 degrees 26 minutes 5 seconds West along said last mentioned land 114.68 feet to a point; thence South 31 degrees 38 minutes 5 seconds West, still along said last mentioned lands, 161.85 feet to the northeasterly side of Route 59 at the point of beginning

And also

ALL that certain plot, piece or parcel of land and premises, situate lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point where Route 59 intersects the Southeasterly side of an existing 12 foot Right of Way and the Northwesterly side of an 88 foot wide parcel conveyed by the Society of the Holy Child Jesus to Geigy Chemical Corp.; running thence North 31 degrees 38 minutes 5 seconds East along the side of said 38 foot parcel 149.63 feet to a point; thence North 20 degrees 26 minutes 5 seconds East, still along said side of said parcel 117.98 feet to the land of the Erie Railroad Company; thence North 61 degrees 50 minutes 20 seconds West along said railroad property and crossing said 12 foot Right of Way 12.11 feet to other lands of the Society of the Holy Child Jesus; thence South 20 degrees 26 minutes 5 seconds West along said last mentioned lands 118.44 feet; thence South 31 degrees 38 minutes 5 seconds West still along said last mentioned lands 147.97 feet to a point on the Northeasterly side of Route 59; thence South 56 degrees 1 minute 40 seconds East along said side of Route 59, 12.01 feet to the point or place of beginning.

The aforesaid Parcels A and B and C being described according to that certain Survey made by PS & S LLC dated April 20, 2015, as follows:

EXHIBIT A
(Continued)

As to Parcels A and B

ALL that certain plot, piece or parcel of land, situate, lying and being in Villages of Suffern and Montebello, Town of Ramapo, Rockland County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the westerly right-of-way of Hemion Road (variable width right-of-way), said point being the intersection of the northerly right-of-way of Consolidated Rail Corporation with said westerly right-of-way, and running thence, the following ten (10) courses along said northerly right-of-way;

1. South 85°05'01" West a distance of 16.71 feet to a point, thence;
2. South 78°48'56" West a distance of 571.32 feet to a point marked by an iron pin, thence;
3. South 79°00'34" West a distance of 160.04 feet to a point marked by a concrete monument, thence;
4. South 80°48'20" West a distance of 881.22 feet to a point of cusp marked by a concrete monument, thence;
5. On a curve to the right having a radius of 1877.08 feet, an arc length of 98.38 feet whose chord bears South 82°07'01" West a chord distance of 98.37 feet to a point of cusp marked by a concrete monument, thence;
6. On a curve to the right having a radius of 1249.18 feet, an arc length of 469.95 feet whose chord bears North 84°37'34" West a chord distance of 467.18 feet to a non-tangential point marked by a mag-nail, thence;
7. North 86°37'10" West a distance of 243.08 feet to a point of cusp marked by a mag-nail, thence;
8. On a curve to the right having a radius of 1877.08 feet, an arc length of 377.48 feet whose chord bears North 68°15'36" West a chord distance of 376.84 feet to a point of cusp marked by a concrete monument, thence;
9. On a curve to the right having a radius of 2831.93 feet, an arc length of 98.91 feet whose chord bears North 60°16'06" West a chord distance of 98.90 feet to a non-tangential point marked by a concrete monument, thence;

EXHIBIT A
(Continued)

10. North 59°20'58" West a distance of 514.07 feet to a point marked by a concrete monument, thence, the following seven (7) courses along the easterly line of Lot 1, Block 1, Section 55.21;
11. North 01°56'45" West a distance of 730.41 feet to a point marked by a concrete monument, thence;
12. North 47°23'01" East a distance of 865.96 feet to a point marked by a concrete monument, thence;
13. North 47°30'23" East a distance of 200.00 feet to a point marked by an iron pin, thence;
14. North 39°35'37" East a distance of 317.50 feet to a point marked by an iron pin, thence;
15. South 55°46'42" West a distance of 75.01 feet to a point marked by a concrete monument, thence;
16. North 65°50'24" West a distance of 387.00 feet to a point marked by an iron pin, thence;
17. North 29°54'35" East a distance of 282.80 feet to a point marked by a concrete monument in the southerly right-of-way of the New York State Thruway, thence, the following nine (9) courses along said right-of-way;
18. North 82°20'55" East a distance of 88.18 feet to a point marked by a concrete monument, thence;
19. South 89°08'47" East a distance of 594.93 feet to a point of cusp marked by a concrete monument, thence;
20. On a curve to the right having a radius of 4112.81 feet, an arc length of 203.76 feet whose chord bears South 84°40'04" East a chord distance of 203.74 feet to a point of cusp marked by a concrete monument, thence;
21. On a curve to the right having a radius of 2829.79 feet, an arc length of 433.53 feet whose chord bears South 78°29'25" East a chord distance of 433.11 feet to a non-tangential point, thence;
22. South 74°26'56" East a distance of 768.63 feet to a point marked by a concrete monument, thence;

EXHIBIT A
(Continued)

23. South 74°27'27" East a distance of 255.71 feet to a point marked by a concrete monument, thence;
24. South 74°07'33" East a distance of 228.48 feet to a point marked by a concrete monument, thence;
25. South 64°22'43" East a distance of 170.25 feet to a point marked by a mag-nail, thence;
26. On a curve to the right having a radius of 998.10 feet, an arc length of 241.62 feet whose chord bears South 58°34'41" East a chord distance of 241.03 feet to a point marked by a concrete monument in the westerly right-of-way of Hemion Road (variable width right-of-way), thence, the following ten (10) courses along said westerly right-of-way;
27. South 10°15'07" West a distance of 106.20 feet to a point marked by a concrete monument, thence;
28. South 32°47'54" West a distance of 38.40 feet to a point marked by a concrete monument, thence;
29. South 20°47'55" West a distance of 102.98 feet to a point marked by a capped iron pin, thence;
30. South 68°37'59" East a distance of 12.63 feet to a point of cusp marked by a capped iron pin, thence;
31. On a curve to the left having a radius of 1860.00 feet, an arc length of 770.94 feet whose chord bears South 14°18'03" West a chord distance of 765.43 feet to a point of cusp marked by a capped iron pin, thence;
32. On a curve to the left having a radius of 1860.00 feet, an arc length of 142.22 feet whose chord bears South 00°25'37" East a chord distance of 142.19 feet to a non-tangential point marked by a capped iron pin, thence;
33. South 02°37'03" East a distance of 7.74 feet to a point marked by a capped iron pin, thence;
34. South 02°37'43" West a distance of 50.15 feet to a point marked by a mag-nail, thence;
35. South 00°43'26" West a distance of 269.50 feet to a point, thence;

EXHIBIT A
(Continued)

36. Along South 05°41'47" West a distance of 182.36 feet to the **POINT OF BEGINNING**.

As to Parcel C

ALL that certain plot, piece or parcel of land, situate, lying and being in Village of Suffern, Town of Ramapo, Rockland County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the southerly right-of-way of the Consolidated Railway Corporation, said point being the following two (2) courses from the terminus of the sixth (6) course of the Overall Site Description of Tax Map Section 55.22, Block 1, Lot 1, Village of Suffern, Town of Ramapo, Rockland County, New York, Tax Map Section 55.06, Block 1, Lot 1, Village of Montebello, Town of Ramapo, Rockland County, New York,

1. North 86°37'10" West a distance of 155.99 feet to a point, thence;
2. South 12°02'41" West a distance of 93.63 feet to the point of **BEGINNING**,

RUNNING THENCE from said point of **BEGINNING**, the following two (2) courses along the westerly line of Lot 3, Block 1, Section 55.38;

- A. South 12°02'41" West a distance of 114.73 feet to a point, thence;
- B. South 23°17'21" West a distance of 161.86 feet to a point in the northerly right-of-way of Lafayette Avenue (New York State Route 59) (variable width right-of-way);

THENCE along said northerly right-of-way, North 64°22'23" West a distance of 100.09 feet to a point, thence, the following two (2) courses along the easterly line of Lot 30.12, Block 1, Section 55.29;

- A. North 23°13'11" East a distance of 148.10 feet to a point, thence;
- B. North 12°05'22" East a distance of 118.44 feet to a point in the southerly right-of-way of the Consolidated Railway Corporation, thence;

THENCE along said southerly right-of-way, South 70°07'33" East a distance of 101.00 feet to the **POINT OF BEGINNING**.

END OF EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
RS OLD MILLS RD, LLC,

NOTICE OF PENDENCY
OF ACTION

Plaintiff,

Index No:

-against-

SUFFERN PARTNERS, LLC,

Defendant.
-----X

NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending against the above named defendant for fraud, and tortious interference with contracts, conversion, and specific performance conveying real property, relating to the transfer of the properties located at, and known as, 19 Hemion Road in the Village of Montebello, County of Rockland.

AND NOTICE IS FURTHER GIVEN that the premises affected by the said civil action, were, at the time of commencement of said action, and at the time of the filing of this notice situate in:

Village: Montebello

Section/Block/Lot: 55.06, 1, 1

Book 968, P. 34

on the land and tax map of the County of Rockland in the State of New York, and is more fully described as follows:

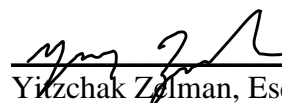
See Property Description annexed hereto as Exhibit A.

TOGETHER with all right, title and interest of the defendants in and to the land lying in the streets and roads in front of and adjoining said premises.

Dated: 04/14/2020

MARCUS & ZELMAN, LLC

By:



Yitzchak Zelman, Esq.
Attorney for Plaintiff
701 Cookman Avenue, Suite 300
Asbury Park, New Jersey 07712
(347) 526-4093

TO: THE CLERK OF THE COUNTY OF ROCKLAND:

You are hereby directed to index the within Notice of Pendency of Action to the names of the Defendant herein.

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION OF LAND

Parcel A

ALL that certain plot, piece or parcel of land and premises, situate, lying and being in Suffern, Rockland County, New York, and being shown on map entitled "Map of lands to be conveyed by Charles A. Pace, Suffern, New York, Scale 1" – 60', May 1939", made by Frederick Washburn, Surveyor, and duly filed in the Office of the Clerk of the County of Rockland, at New City, Rockland County, New York, and being more fully bounded and described as follows:

BEGINNING at a point in the southerly line of premises of one Haeussler, at a post distant 28.4 feet easterly from the southwesterly corner of said Haeussler's premises as shown on said map, and running thence (1) in a westerly direction along the southerly line of said Haeussler's premises, 28.4 feet to an iron pipe standing in the southeasterly corner of premises of J.A. Martin, as shown on said map, and running thence (2) in a general westerly direction along the southerly line of said Martin's premises, on a course South 67 degrees 18 minutes West, 287.6 feet to an iron pipe; thence (3) on a course South 50 degrees 39 minutes West, 317.5 feet to an iron pipe in the southerly line of premises of Suffern Land Co.; thence (4) on a course South 58 degrees 26 minutes West, 200 feet to an iron pipe standing in the southerly line of premises of said Suffern Land Co.; thence (5) on a course South 31 degrees 34 minutes East, passing through an Oak tree near the southerly side of a private road running through said premises, 336 feet to an iron pipe in the center line of a brook as shown on said map; thence (6) through the center line of said brook on a course North 56 degrees 32 minutes East, 277 feet to a point, thence (7) still through the center line of said brook on a course North 42 degrees East, 204 feet to a point; thence (8) still through the center line of said brook on a course North 40 degrees 10 minutes East, 68 feet; thence (9) still through the center line of said brook, on a course North 44 degrees East, 193 feet to a point; thence (10) still through the center line of said brook on a course North 8 degrees 08 minutes East, 134.5 feet to the southwest corner of the east abutment of a bridge over said brook, as shown on said map; and thence (11) on a course North 21 degrees 12 minutes West, 91.3 feet to the point and place of beginning.

And also

ALL that certain plot, piece or parcel of land, situate lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING at a point where the easterly line of land now or formerly of Suffern Land Co. is intersected by the southwesterly line of land of the State of New York and the northeasterly line of land now or formerly of Smith; thence running along the dividing line between said land of

EXHIBIT A
(Continued)

the State of New York and said land now or formerly of Smith, South 64 degrees 46 minutes 8 seconds east 387 feet to the southeasterly line of said land of the State of New York; thence running along said southeasterly line of land of the State of New York, North 57 degrees 31 minutes 52 seconds East 396 feet to an angle point in same; thence running along said land formerly of the State of New York now or formerly of Gustav Mayer, North 38 degrees 10 minutes 52 seconds East 246 feet to a point which is distant 90 feet southerly measured at right angles from Station 83 / 71 / of the survey base line for the New York State Thruway; thence running along land of the State of New York North 89 degrees 2 minutes 23 seconds West 597.85 feet to a point distant 150 feet southerly measured at right angles from Station 77 / 72 / of said survey base line; thence continuing along land of the State of New York South 26 degrees 28 minutes 37 seconds West 89.4 feet to the easterly line of land of Suffern Land Co. which point is distant 158 feet southerly measured at right angles from Station 78 / 83 / of said survey base line; thence running along the easterly line of said land now or formerly of Suffern Land Co. South 30 degrees 53 minutes 62 seconds West 282.8 feet to the point of beginning.

And also

ALL that certain plot, piece or parcel of land and premises, situate, lying and being in the Village of Suffern, the Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING on the northeasterly corner of the premises hereby being conveyed, where the southerly line of the proposed access road of the New York State Thruway intersects the easterly side of said premises; running thence (1) south 51 degrees 09 minutes 20 seconds west, 110.89 feet along the land now or formerly of Olsen; (2) continuing along said land south 49 degrees 39 minutes 20 seconds west 182 feet to a corner; (3) continuing along said land of Olsen and along the land now or formerly of Fredericks south 25 degrees 39 minutes 20 seconds west 1872.60 feet to a corner; (4) continuing along the land now or formerly of Fredericks south 71 degrees 21 minutes 50 seconds east 416.59 feet to the intersection with the northerly right of way line of the Erie Railroad (Piermont Branch); (5) running along the right of way of the Erie Railroad north 86 degrees 43 minutes 20 seconds west 881.09 feet; (6) continuing along said right of way on a radius of 1877.08 feet to the left 98.28 feet; (7) continuing along said right of way on a radius of 1249.18 feet a distance of 482.15 feet; (8) continuing along said right of way north 72 degrees 33 minutes 50 seconds west 243.05 feet; (9) continuing along said right of way on a radius of 1877.08 feet a distance of 368.03 feet; (10) continuing along said right of way on a radius of 2831.93 feet a distance of 98.85 feet; (11) continuing along said right of way north 46 degrees 24 minutes 40 seconds west 514.01 feet to the lands of Belmont Stone Company; (12) running thence along said lands north 11 degrees 07 minutes 30 seconds east 730.70 feet; (13) continuing along said lands of Belmont Stone Company north 59 degrees 52 minutes 30 seconds east 864.50 feet to the lands now or formerly of H.L. Smith; (14) running thence along the said lands of H.L. Smith south 30 degrees 11 minutes 30 seconds east 336.05; (15) thence, continuing along the lands now or formerly of H.L. Smith and running along the center line of a brook the following five course and distances - north 57 degrees 54 minutes 30 second east 277.25 feet; (16) north 43

EXHIBIT A
(Continued)

degrees 22 minutes 30 seconds east 204 feet; (17) north 41 degrees 32 minutes 50 seconds east 68 feet; (18) north 45 degrees 22 minutes 30 seconds east 193 feet; (19) north 9 degrees 30 minutes 30 seconds east 134.50 feet; (20) thence leaving the said brook, but continuing along the land of H.L Smith, north 19 degrees 49 minutes 30 seconds west 91.30 feet to a post in the line of land now or formerly of Haeussler; (21) running thence along the said land of Haeussler and along the land now or formerly of Beard north 50 degrees 19 minutes 30 seconds east 237.92 feet to a point in the southerly side of the aforesaid proposed access road of the New York State Thruway; (22) running thence in a southeasterly direction along the aforesaid southerly line of said proposed access road to the point or place of beginning.

Parcel B

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the previously widened westerly line of Hemion Road, where the same is intersected by the northerly line of the Erie Lackawanna Railroad Right of Way. Said point being distant 15.00 feet on a course of North 81 degrees 15 minutes 39 seconds West along the northerly line of the Erie Railroad from the original westerly line of said Hemion Road; and running thence (1) North 81 degrees 15 minutes 39 seconds West 16.36 feet along the northerly right of way line of the Erie Lackawanna Railroad to a bend therein; thence (2) North 87 degrees 44 minutes 26 seconds West 571.32 feet along the same to a bend therein; thence (3) North 87 degrees 37 minutes 29 seconds West 160.06 feet continuing along the same to a corner of lands now or formerly of the Geigy Chemical Company; thence (4) North 71 degrees 35 minutes 30 seconds West 432.62 feet along lands now or formerly of the Geigy Chemical Company to a point; thence (5) North 26 degrees 54 minutes 30 seconds East 379.93 feet continuing along the same to a monument; thence (6) South 72 degrees 14 minutes 35 seconds East 1095.54 feet continuing along the same to a point in the previously widened westerly line of Hemion Road (said point being distant 2.00 feet on a course of North 72 degrees 14 minutes 35 seconds West from the original westerly line of Hemion Road, and a corner of lands now or formerly of the Geigy Chemical Company); thence (7) South 18 degrees 29 minutes 43 seconds West 182.35 feet along the previously widened westerly line of Hemion Road to the point or place of beginning.

And also

ALL that certain plot, piece or parcel of land, situate lying and being in the Town of Ramapo, County of Rockland and State of New York, more particularly bounded and described as follows:

EXHIBIT A
(Continued)

BEGINNING at a point in the westerly line of Hemion Road, said point of beginning being distant 511.50 feet northerly along said westerly line of Hemion Road from the center line of the Erie Lackawanna Railroad Company tracks, and said point of beginning being distant 3.60 feet on a course North 11 degrees 37 minutes 20 seconds East from a Rockland County Highway Monument set in said westerly line of Hemion Road; and running THENCE (1) along a stone wall and on a course North 75 degrees 29 minutes West, a distance of 378.70 feet; THENCE (2) turning and running along another stone wall and on a course North 22 degrees 7 minutes 30 seconds East, a distance of 204.0 feet; THENCE (3) turning and running along still another stone wall and on a course South 74 degrees 35 minutes 30 seconds East, a distance of 348.18 feet to the westerly line of Hemion Road; THENCE (4) along the westerly line of Hemion Road and on a course South 14 degrees 13 minutes 5 seconds West, a distance of 142.69 feet to a Rockland County Highway monument; and THENCE (5) still along the westerly line of Hemion Road and on a course South 11 degrees 37 minutes 20 seconds West, a distance of 54.17 feet to the point or place of beginning.

And also

ALL that certain plot, piece or parcel of land and premises, situate lying and being in the Town of Ramapo, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a point in the center of Hemion Road at the northeasterly corner of premises now or formerly of Gertrude Conklin (1) North 73 degrees 21 minutes 40 seconds West 1114.06 feet to the Easterly line of premises now or formerly of Henry and Sidney Mayer; thence (2) North 25 degrees 47 minutes 25 seconds East 510.36 feet to an iron pipe in the Southerly line of lands now or formerly of Arthur Olsen; thence (3) South 72 degrees 14 minutes 40 seconds East, 654.11 feet to an iron pipe; thence (4) along lands now or formerly of Martin Hunter, South 23 degrees 57 minutes 10 seconds West 214.36 feet to an iron pipe in the southwesterly corner of Hunter's premises; thence along the southwesterly line of said Hunter's property South 72 degrees 1 minute 10 seconds East 390.23 to the center line of Hemion Road; thence South 13 degrees 17 minutes 55 seconds West 270.93 feet to the point or place of beginning.

And also

ALL that certain plot, piece or parcel of land and premises, situate lying and being in the Town of Ramapo, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a post in the southwest corner of said lot, being also the northwest corner of lot of James and Henry Frederick, and running thence (1) south 74 degrees 30 minutes east, part of the way along a post and wire fence and a stone wall, 655 feet to a post; thence (2) south 21 degrees 10 minutes west 11.2 feet to the southerly side of a stone wall; thence (3) south 75 degrees 20 minutes east, along the southerly side of said stone wall 359 feet to the middle of the public highway running from the Montebello Road to the Nyack Turnpike; thence (4) through the center of the same north 18 degrees 15 minutes east 380 feet; thence (5) running still along

EXHIBIT A
(Continued)

the center of said road 450 feet more or less to a point; thence (6) still along the center of the same north 45 degrees 26 minutes east 433 feet to a point opposite the remains of an old stone wall; thence (7) north 68 degrees 11 minutes west, part of the way along the remains of an old stone wall, 335 feet to an iron pipe in the bed of the old pond; thence (8) north 14 degrees 8 minutes east, part of the way through the brook, 412 feet to a rock and northwest corner of premises formerly of Charles Ackerson; thence (9) north 41 degrees 3 minutes west along a stone wall 393 feet to a large oak tree; thence (10) south 48 degrees 21 minutes west along the remains of an old stone wall 255 feet; thence (11) south 49 degrees west along the remains of an old wall 578 feet to a stake and stones; thence (12) south 47 degrees 30 minutes west 182 feet to a stake; thence (13) south 23 degrees 30 minutes west 993 feet along a stone wall to the place of beginning.

EXCEPTING THEREFROM so much thereof as was conveyed by Alicia I. Olsen to the County of Rockland for reconstruction of Hemion Road, by deed dated October 11, 1948, and recorded in the Office of the Clerk of the County of Rockland on the 20th day of October, 1949, in Book 487 of Deeds, Page 291, containing 0.23 acres to which deed reference is hereby made for a complete description of said portion so excepted, and further

EXCEPTING AND EXCLUDING THEREFROM all lands north of the southerly line of the access road of the New York State Thruway and north of the most southerly line of all portions acquired by said Thruway.

It being intended to exclude all the lands lying north of the Thruway and the following parcels acquired for New York State Thruway:

- | | |
|----------------------|---|
| Map No. 471- | Parcel No. 471- 3.96 acres, more or less, in Book 4 of Thruway Maps, Page 720, 721. |
| Map No. 1248- | Parcel No. 1248- 1.72 acres, more or less, in Book 5 of Thruway Maps, Page 937, 938. |
| Map No. 1285- | Parcel No. 1285- 0.041 acres, more or less, or 1,177 square feet, more or less, in Book 6 of Thruway Maps, Page 1206. |
| Map No. 1286- | Parcel No. 1286- 0.203 acres, more or less, or 8,850 square feet, more or less, in Book 6 of Thruway Maps, Page 1206, 1207. |
| Map No. 418- | Parcel No. 418- 0.341 acres, more or less, or 10,518 square feet, more or less, in Book 4 of Thruway Maps, Page 716. |

EXHIBIT A
(Continued)

Parcel C

ALL that certain plot, piece or parcel of land and premises, situate lying and being in Suffern, Town of Ramapo, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point in a stonewall on the northeasterly side of Route 59, distant 407.25 feet northwesterly from the West side of Mt. Eymard Seminary; running thence North 56 degrees 1 minute 40 seconds West along said stonewall and said side of Route 59, 88.07 feet to a point and the southeasterly side of an existing 12 foot Right of Way; thence North 31 degrees 38 minutes 5 seconds East along said side of the 12 foot Right of Way 149.63 feet to a point; thence North 20 degrees 26 minutes 5 seconds East, still along said Right of Way 117.98 feet to the lands of the Erie Railroad Company; thence South 61 degrees 50 minutes 20 seconds East along said lands 88.81 feet to other lands of the Society of the Holy Child Jesus; thence South 20 degrees 26 minutes 5 seconds West along said last mentioned land 114.68 feet to a point; thence South 31 degrees 38 minutes 5 seconds West, still along said last mentioned lands, 161.85 feet to the northeasterly side of Route 59 at the point of beginning

And also

ALL that certain plot, piece or parcel of land and premises, situate lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point where Route 59 intersects the Southeasterly side of an existing 12 foot Right of Way and the Northwesterly side of an 88 foot wide parcel conveyed by the Society of the Holy Child Jesus to Geigy Chemical Corp.; running thence North 31 degrees 38 minutes 5 seconds East along the side of said 38 foot parcel 149.63 feet to a point; thence North 20 degrees 26 minutes 5 seconds East, still along said side of said parcel 117.98 feet to the land of the Erie Railroad Company; thence North 61 degrees 50 minutes 20 seconds West along said railroad property and crossing said 12 foot Right of Way 12.11 feet to other lands of the Society of the Holy Child Jesus; thence South 20 degrees 26 minutes 5 seconds West along said last mentioned lands 118.44 feet; thence South 31 degrees 38 minutes 5 seconds West still along said last mentioned lands 147.97 feet to a point on the Northeasterly side of Route 59; thence South 56 degrees 1 minute 40 seconds East along said side of Route 59, 12.01 feet to the point or place of beginning.

The aforesaid Parcels A and B and C being described according to that certain Survey made by PS & S LLC dated April 20, 2015, as follows:

EXHIBIT A
(Continued)

As to Parcels A and B

ALL that certain plot, piece or parcel of land, situate, lying and being in Villages of Suffern and Montebello, Town of Ramapo, Rockland County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the westerly right-of-way of Hemion Road (variable width right-of-way), said point being the intersection of the northerly right-of-way of Consolidated Rail Corporation with said westerly right-of-way, and running thence, the following ten (10) courses along said northerly right-of-way;

1. South 85°05'01" West a distance of 16.71 feet to a point, thence;
2. South 78°48'56" West a distance of 571.32 feet to a point marked by an iron pin, thence;
3. South 79°00'34" West a distance of 160.04 feet to a point marked by a concrete monument, thence;
4. South 80°48'20" West a distance of 881.22 feet to a point of cusp marked by a concrete monument, thence;
5. On a curve to the right having a radius of 1877.08 feet, an arc length of 98.38 feet whose chord bears South 82°07'01" West a chord distance of 98.37 feet to a point of cusp marked by a concrete monument, thence;
6. On a curve to the right having a radius of 1249.18 feet, an arc length of 469.95 feet whose chord bears North 84°37'34" West a chord distance of 467.18 feet to a non-tangential point marked by a mag-nail, thence;
7. North 86°37'10" West a distance of 243.08 feet to a point of cusp marked by a mag-nail, thence;
8. On a curve to the right having a radius of 1877.08 feet, an arc length of 377.48 feet whose chord bears North 68°15'36" West a chord distance of 376.84 feet to a point of cusp marked by a concrete monument, thence;
9. On a curve to the right having a radius of 2831.93 feet, an arc length of 98.91 feet whose chord bears North 60°16'06" West a chord distance of 98.90 feet to a non-tangential point marked by a concrete monument, thence;

EXHIBIT A
(Continued)

10. North 59°20'58" West a distance of 514.07 feet to a point marked by a concrete monument, thence, the following seven (7) courses along the easterly line of Lot 1, Block 1, Section 55.21;
11. North 01°56'45" West a distance of 730.41 feet to a point marked by a concrete monument, thence;
12. North 47°23'01" East a distance of 865.96 feet to a point marked by a concrete monument, thence;
13. North 47°30'23" East a distance of 200.00 feet to a point marked by an iron pin, thence;
14. North 39°35'37" East a distance of 317.50 feet to a point marked by an iron pin, thence;
15. South 55°46'42" West a distance of 75.01 feet to a point marked by a concrete monument, thence;
16. North 65°50'24" West a distance of 387.00 feet to a point marked by an iron pin, thence;
17. North 29°54'35" East a distance of 282.80 feet to a point marked by a concrete monument in the southerly right-of-way of the New York State Thruway, thence, the following nine (9) courses along said right-of-way;
18. North 82°20'55" East a distance of 88.18 feet to a point marked by a concrete monument, thence;
19. South 89°08'47" East a distance of 594.93 feet to a point of cusp marked by a concrete monument, thence;
20. On a curve to the right having a radius of 4112.81 feet, an arc length of 203.76 feet whose chord bears South 84°40'04" East a chord distance of 203.74 feet to a point of cusp marked by a concrete monument, thence;
21. On a curve to the right having a radius of 2829.79 feet, an arc length of 433.53 feet whose chord bears South 78°29'25" East a chord distance of 433.11 feet to a non-tangential point, thence;
22. South 74°26'56" East a distance of 768.63 feet to a point marked by a concrete monument, thence;

EXHIBIT A
(Continued)

23. South 74°27'27" East a distance of 255.71 feet to a point marked by a concrete monument, thence;
24. South 74°07'33" East a distance of 228.48 feet to a point marked by a concrete monument, thence;
25. South 64°22'43" East a distance of 170.25 feet to a point marked by a mag-nail, thence;
26. On a curve to the right having a radius of 998.10 feet, an arc length of 241.62 feet whose chord bears South 58°34'41" East a chord distance of 241.03 feet to a point marked by a concrete monument in the westerly right-of-way of Hemion Road (variable width right-of-way), thence, the following ten (10) courses along said westerly right-of-way;
27. South 10°15'07" West a distance of 106.20 feet to a point marked by a concrete monument, thence;
28. South 32°47'54" West a distance of 38.40 feet to a point marked by a concrete monument, thence;
29. South 20°47'55" West a distance of 102.98 feet to a point marked by a capped iron pin, thence;
30. South 68°37'59" East a distance of 12.63 feet to a point of cusp marked by a capped iron pin, thence;
31. On a curve to the left having a radius of 1860.00 feet, an arc length of 770.94 feet whose chord bears South 14°18'03" West a chord distance of 765.43 feet to a point of cusp marked by a capped iron pin, thence;
32. On a curve to the left having a radius of 1860.00 feet, an arc length of 142.22 feet whose chord bears South 00°25'37" East a chord distance of 142.19 feet to a non-tangential point marked by a capped iron pin, thence;
33. South 02°37'03" East a distance of 7.74 feet to a point marked by a capped iron pin, thence;
34. South 02°37'43" West a distance of 50.15 feet to a point marked by a mag-nail, thence;
35. South 00°43'26" West a distance of 269.50 feet to a point, thence;

EXHIBIT A
(Continued)

36. Along South 05°41'47" West a distance of 182.36 feet to the **POINT OF BEGINNING**.

As to Parcel C

ALL that certain plot, piece or parcel of land, situate, lying and being in Village of Suffern, Town of Ramapo, Rockland County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the southerly right-of-way of the Consolidated Railway Corporation, said point being the following two (2) courses from the terminus of the sixth (6) course of the Overall Site Description of Tax Map Section 55.22, Block 1, Lot 1, Village of Suffern, Town of Ramapo, Rockland County, New York, Tax Map Section 55.06, Block 1, Lot 1, Village of Montebello, Town of Ramapo, Rockland County, New York,

1. North 86°37'10" West a distance of 155.99 feet to a point, thence;
2. South 12°02'41" West a distance of 93.63 feet to the point of **BEGINNING**,

RUNNING THENCE from said point of **BEGINNING**, the following two (2) courses along the westerly line of Lot 3, Block 1, Section 55.38;

- A. South 12°02'41" West a distance of 114.73 feet to a point, thence;
- B. South 23°17'21" West a distance of 161.86 feet to a point in the northerly right-of-way of Lafayette Avenue (New York State Route 59) (variable width right-of-way);

THENCE along said northerly right-of-way, North 64°22'23" West a distance of 100.09 feet to a point, thence, the following two (2) courses along the easterly line of Lot 30.12, Block 1, Section 55.29;

- A. North 23°13'11" East a distance of 148.10 feet to a point, thence;
- B. North 12°05'22" East a distance of 118.44 feet to a point in the southerly right-of-way of the Consolidated Railway Corporation, thence;

THENCE along said southerly right-of-way, South 70°07'33" East a distance of 101.00 feet to the **POINT OF BEGINNING**.

END OF EXHIBIT A

**REQUEST FOR JUDICIAL INTERVENTION**UCS-840
(rev. 07/29/2019)

Rockland Supreme COURT, COUNTY OF Rockland

Index No: 031809/2020

Date Index Issued: 04/14/2020

For Court Use Only:

CAPTION

Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

IAS Entry Date

RS OLD MILLS RD, LLC

-against- Plaintiff(s)/Petitioner(s)
SUFFERN PARTNERS, LLC

Judge Assigned

RJI Filed Date

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated.**COMMERCIAL**

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
☐ Contract
☐ Insurance (where insurance company is a party, except arbitration)
☐ UCC (includes sales and negotiable instruments)
☐ Other Commercial (specify): _____

NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.**REAL PROPERTY:** Specify how many properties the application includes: _____

- ☐ Condemnation
☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial
 Property Address: _____

NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.

- ☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Tax Foreclosure
☐ Other Real Property (specify): _____

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other (specify): _____

MATRIMONIAL

- ☐ Contested
NOTE: If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum (UCS-840M)**.
 For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (**UD-13**).

TORTS

- ☐ Asbestos
☐ Child Victims Act
☐ Environmental (specify): _____
☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability (specify): _____
☐ Other Negligence (specify): _____
☐ Other Professional Malpractice (specify): _____
☐ Other Tort (specify): _____

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see **NOTE** in **COMMERCIAL** section]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ Extreme Risk Protection Order
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene (specify): _____
☒ Other Special Proceeding (specify): Essential Matter

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, date filed: _____
Has a summons and complaint or summons with notice been served?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION: Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise
☐ Extreme Risk Protection Order Application
☐ Note of Issue/Certificate of Readiness
☐ Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
☐ Notice of Motion Relief Requested: _____ Return Date: _____
☐ Notice of Petition Relief Requested: _____ Return Date: _____
☐ Order to Show Cause Relief Requested: _____ Return Date: _____
☐ Other Ex Parte Application Relief Requested: _____
☐ Poor Person Application
☐ Request for Preliminary Conference
☐ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☒ Other (specify): Request To Designate Filing As Essential Matter

RELATED CASES: List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES: For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Un-Rep	Parties	Attorneys and/or Unrepresented Litigants	Issue Joined	Insurance
	List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant; 3 rd party plaintiff, etc.)	For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	For each defendant, indicate if issue has been joined.	For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: RS OLD MILLS RD, LLC Role(s): Plaintiff/Petitioner	YITZCHAK ZELMAN, Marcus & Zelman, LLC, 1 Deer Run Rd , Pomona, NY 10970, 3475264093, yzelman@gmail.com	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: SUFFERN PARTNERS, LLC Role(s): Defendant/Respondent	1449 57th Street , Brooklyn, NY 11219	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 04/14/2020

YITZCHAK ZELMAN

Signature

5086509

Attorney Registration Number

YITZCHAK ZELMAN

Print Name

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